

---

---

**Rules of**  
**Department of Social Services**  
**Division 40—Division of Family Services**  
**Chapter 36—Alternative Care Review Process**

<b>Title</b>	<b>Page</b>
<b>13 CSR 40-36.001</b> Foster/Relative/Adoptive Parent Grievance Procedure.....	3
<b>13 CSR 40-36.010</b> Eligibility (Rescinded November 11, 1983) .....	4

**Title 13—DEPARTMENT OF  
SOCIAL SERVICES**

**Division 40—Division of Family Services  
Chapter 36—Alternative Care Review  
Process**

**13 CSR 40-36.001 Foster/Relative/Adop-  
tive Parent Grievance Procedure**

*PURPOSE: This rule describes the grievance procedure for a foster/relative/adoptive parent when s/he disagrees with any decision made by the Division of Family Services involving the management of a particular foster/adoptive child.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) The term parent shall refer to a Division of Family Services' licensed foster parent, certified relative parent or an approved adoptive parent.

(2) The parent must notify the county office, in writing or verbally, within ten (10) days of the disputed decision and request an informal meeting with the appropriate county director and/or appropriate staff of the local Division of Family Services office and appropriate staff of the Area Division of Family Services Office.

(3) The Division of Family Services area office shall issue a written decision within five (5) working days of the review and provide information on how to request a further review by the Alternative Care Review Board, if s/he disagrees with the decision.

(4) The Division of Family Services shall establish an Alternative Care Review Board to provide for a further review over child management decisions which cannot be resolved at the Division of Family Services County Office level.

(5) The Alternative Care Review Board shall be composed of seven (7) members and two (2) alternates. Members and alternates shall be selected as follows:

(A) Two (2) parents, one (1) of whom will be a licensed foster parent;

(B) Two (2) Division of Family Services employees;

(C) Three (3) members and two (2) alternates from the following fields or professions:

1. Community representative who has knowledge of the provision of alternative care services;

2. School employee;

3. Juvenile officer or professional employee of the juvenile office;

4. Licensed child or family psychologist or counselor;

5. Physician, nurse or other qualified medical professional; and

6. Social worker with a private agency which provides services to families and/or children;

(D) The Director of the Division of Family Services shall appoint a chairperson.

(6) Alternative Care Review Board Terms of Office.

(A) Initially, four (4) members shall be appointed for a three (3)-year term and three (3) members shall be appointed for a two (2)-year term. The alternates shall be appointed for a two (2)-year term;

(B) Subsequent members and alternates shall be appointed for two (2)-year terms;

(C) No member or alternate shall serve more than two (2) consecutive terms.

(7) The members of the Alternative Care Review Board shall meet at a location within Missouri, at least one (1) time per month, depending on the number of requests for review being filed. The members of the review board will receive payment for reasonable expenses associated with board business, but will not receive compensation for the performance of their duties.

(A) If a member cannot attend, an alternate shall be notified and asked to attend.

(B) A quorum at any Alternative Care Review Board meeting will be three (3) members.

(8) The division director may remove and/or replace a member of the board for the following reasons:

(A) Death;

(B) Resignation;

(C) Mental or physical incapacitation which limits the member from effectively serving; and/or

(D) For good cause as determined by the division director.

(9) The members shall hold all information obtained in the course of a review in the strictest confidence.

(10) Alternative Care Review Board Process.

(A) The parent shall have five (5) working days from the receipt of notification of the decision from the Division of Family Services area director to send a request, in writing, to the central office of the Division of Family Services for a review by the Alternative Care Review Board.

(B) The Division of Family Services area office shall forward a copy of all pertinent information and records to the Division of Family Services central office.

(C) Copies of the request and all relevant material will be provided to all members and alternates of the Alternative Care Review Board.

(D) The Division of Family Services shall provide to the Alternative Care Review Board, prior to date of the scheduled review, a summary and reasons for the case action, citing applicable policy and procedure.

(E) Written notice of the review date shall be sent to all participants at least ten (10) days prior to the review date.

(F) The parent may be present at the hearing or may submit a written statement.

1. The parent may be represented by him/herself, legal counsel or a representative of the parent's own choosing.

2. The parent and the Division of Family Services may have witnesses present to provide statements about pertinent events, actions. Etc.

(G) Presentation to the Alternative Care Review Board shall be as follows:

1. The Division of Family Services shall be represented by appropriate county and area staff and/or legal counsel who shall present a summary and reasons for the case action, citing policy and procedure;

2. The Division of Family Services may have witnesses present to provide statements about pertinent events, actions, etc.

3. The parent or representative shall present a summary of the basis for the grievance;

4. The Alternative Care Review Board may ask questions and request further clarifying information from both parties;

5. After both parties have presented the requested information to the satisfaction of the Alternative Care Review Board, the board shall review the information and present a written recommendation to the director of the



Division of Family Services within seven (7) days;

6. The Alternative Care Review Board, after a review and discussion of all relevant materials and testimony, shall vote individually to arrive at the board's recommendation; and

7. The votes will be tabulated and the recommendation of the board will be provided to the director of the Division of Family Services who shall review the recommendation and make a final decision to uphold or reverse the Alternative Care Review Board recommendation. The director shall provide a written copy of the decision to all parties within thirty (30) days.

(11) Case Action During the Alternative Care Review Process. During the review the division will not remove a child from the home of alternative care parents who have filed the requested for review except in the following situations.

(A) When immediate action is required to protect the child in care from child abuse or neglect or a dangerous environmental condition; and

(B) When a court issues a verbal directive or a written order which requires removal.

(12) The division will evaluate this rule and its operation with representative parents six (6) and twelve (12) months, after implementation, and periodically thereafter and make any appropriate revisions.

*AUTHORITY: section 210.526, RSMo 1986.\* Original rule filed July 6, 1988, effective Sept. 29, 1988. Amended: Filed June 15, 1994, effective Jan. 29, 1995.*

*\*Original authority: 210.526, RSMo 1982.*

**13 CSR 40-36.010 Eligibility Criteria**

(Rescinded November 11, 1983)

*AUTHORITY: section 207.020, RSMo 1978. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Aug. 18, 1977, effective Dec. 11, 1977. Rescinded: Filed June 28, 1983, effective Nov. 11, 1983.*